

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

Mei L. Wang, Michael Y. J. Wang, Chun
Fang Wang,

Plaintiffs,

vs.

CYR International, Inc., Chew Young Roo
America, Inc., CYR USA, Inc., Chew
Young Roo, Inc., Chew Young Roo, Chew
Young Roo Eun Chan Lim,

Defendants.

CASE NO: 07-CV-05462 (BSJ)

ANSWER

Defendant, Yeomin Corp. d/b/a Chew Young Roo, (hereinafter "Defendant") by its attorney, Daniel K. Lee, Esq., as and for its Answer to the Complaint, says:

AS TO THE PARTIES

1. Defendant does not have sufficient information to form a belief as to the truth of the allegations contained in paragraph 1.
2. Defendant does not have sufficient information to form a belief as to the truth of the allegations contained in paragraph 2.
3. Defendant does not have sufficient information to form a belief as to the truth of the allegations contained in paragraph 3.
4. Defendant does not have sufficient information to form a belief as to the truth of the allegations contained in paragraph 4.

5. Defendant does not have sufficient information to form a belief as to the truth of the allegations contained in paragraph 5.
6. Defendant admits the allegation contained in paragraph 6.
7. Defendant does not have sufficient information to form a belief as to the truth of the allegations contained in paragraph 7.
8. Defendant does not have sufficient information to form a belief as to the truth of the allegations contained in paragraph 8.

AS TO THE JURISDICTION AND VENUE

9. Defendant does not have sufficient information to form a belief as to the truth of the allegations contained in paragraph 9.
10. Defendant does not have sufficient information to form a belief as to the truth of the allegations contained in paragraph 10.
11. Defendant denies the allegation contained in paragraph 11.
12. Defendant denies the allegations contained in paragraph 12.

AS TO FACTUAL BACKGROUND

13. Defendant repeats and re-alleges each response to preceding paragraphs contained in the foregoing with the same force and effect as if set forth in full herein.
14. Defendant does not have sufficient information to form a belief as to the truth of the allegations contained in paragraph 14.
15. Defendant denies the allegations contained in paragraph 15.
16. Defendant does not have sufficient information to form a belief as to the truth of the allegations contained in paragraph 16.
17. Defendant denies the allegations contained in paragraph 17.

18. Defendant does not have sufficient information to form a belief as to the truth of the allegations contained in paragraph 18.
19. Defendant does not have sufficient information to form a belief as to the truth of the allegations contained in paragraph 19.
20. Defendant denies the allegations contained in paragraph 20.
21. Defendant does not have sufficient information to form a belief as to the truth of the allegations contained in paragraph 21.
22. Defendant denies the allegation contained in paragraph 22.
23. Defendant does not have sufficient information to form a belief as to the truth of the allegations contained in paragraph 23.
24. Defendant does not have sufficient information to form a belief as to the truth of the allegations contained in paragraph 24.
25. Defendant denies the allegation contained in paragraph 25.
26. Defendant denies the allegation contained in paragraph 26.
27. Defendant denies the allegation contained in paragraph 27.
28. Defendant does not have sufficient information to form a belief as to the truth of the allegations contained in paragraph 28.

AS TO COUNT I

29. Defendant repeats and re-alleges each response to preceding paragraphs contained in the 1-28 with the same force and effect as if set forth in full herein.
30. Defendant denies the allegation contained in paragraph 30.
31. Defendant denies the allegation contained in paragraph 31.

AS TO COUNT II

32. Defendant repeats and re-alleges each response to preceding paragraphs contained in the 1-31 with the same force and effect as if set forth in full herein.
33. Defendant denies the allegation contained in paragraph 33.
34. Defendant denies the allegation contained in paragraph 34.

AS TO COUNT III

35. Defendant repeats and re-alleges each response to preceding paragraphs contained in the 1-34 with the same force and effect as if set forth in full herein.
36. Defendant denies the allegation contained in paragraph 36.

AS TO COUNT IV

37. Defendant repeats and re-alleges each response to preceding paragraphs contained in the 1-36 with the same force and effect as if set forth in full herein.
38. Defendant denies the allegation contained in paragraph 38.
39. Defendant denies the allegation contained in paragraph 39.

AS TO COUNT V

40. Defendant repeats and re-alleges each response to preceding paragraphs contained in the 1-39 with the same force and effect as if set forth in full herein.
41. Defendant denies the allegation contained in paragraph 41.

AS TO COUNT VI

42. Defendant repeats and re-alleges each response to preceding paragraphs contained in the 1-41 with the same force and effect as if set forth in full herein.
43. Defendant denies the allegation contained in paragraph 43.

SEPARATE DEFENSES

FIRST DEFENSE

Plaintiffs' claims are barred because the service of process was insufficient and defective.

SECOND DEFENSE

Defendant does not transact any business or provide goods and services in the State of New York and therefore, the Court lacks jurisdiction over this Defendant.

THIRD DEFENSE

Upon information and belief, Defendant has right to use its mark.

FOURTH DEFENSE

Plaintiffs failed to state a cause of action upon which relief can be granted.

FIFTH DEFENSE

Defendant's conduct was not the proximate cause of any of the Plaintiffs' alleged damages.

SIXTH DEFENSE

Defendant's mark and Plaintiffs' mark are different.

SEVENTH DEFENSE

Defendant reserves the right to assert additional defenses that future discovery of additional facts may support but is unknown to the Defendant at this time.

WHEREFORE, Defendant respectfully requests the following relief:

1. Deny each and every relief requested by the Plaintiffs.
2. Declare that the Defendant's use of the mark "Chew Young Roo" is lawful under the Lanham Act, in particular Articles 32 and 43 of the Lanham Act, 15 U.S.C.

§1114(1) (Trademark Infringement), 15 U.S.C. §1125 (Trademark Dilution) and 15 U.S.C. §1125(a) (Unfair Competition).

3. Award Defendant costs of this action together with reasonable attorney's fees.
4. Award Defendant such further and other relief as this Court may deem just and proper.

Dated: January 18, 2008

/d/ Daniel K. Lee

DANIEL K. LEE (DL8636)
Law Office of Daniel K. Lee
410 Broad Avenue, Suite 200
Palisades Park, NJ 07650
(201) 944-0083 Fax (201) 947-2114
Attorney for Defendant
Yeomin Corp. d/b/a Chew Young Roo